



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

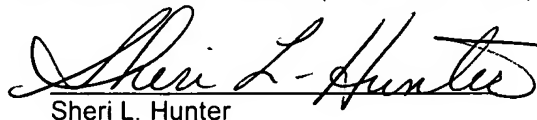
In re: Application of Robert Vincent : Attorney's Docket: 104035-9 fka
Serial No.: 10/762,952 : BOW1335-47
Filed: January 22, 2004 : Confirmation No.: 5966
Title: METHOD FOR DETECTING : Examiner: Marina I. Miller
COLIFORM BACTERIA FROM : Group Art Unit: 1631
REFLECTED LIGHT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8 (A)

Date of Deposit: August 11, 2006

I hereby certify that this correspondence is being deposited with the US. Postal Service with sufficient postage as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Sheri L. Hunter

RESPONSE TO OFFICE ACTION

Sir:

In response to the Examiner's Official Action mailed July 12, 2006, Applicant hereby offers the following background information and responds to the office action of July 12, 2006.

This application was filed on January 21, 2004. The original application contained claims 1 – 92 claims. At the time of filing the original application, Applicant filed a

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Preliminary Amendment, modifying the claims as filed in the original application by withdrawing claims 20 – 92 from consideration and examination.

On April 27, 2004, a Notice to File Corrected Application Papers was mailed requiring that a substitute specification be submitted. On June 4, 2004, Applicant submitted the substitute specification as required by the notice. This substitute specification was identical to the original specification other than it corrected the informalities as outlined in the Notice to File Corrected Application Papers.

On May 16, 2006, a Restriction Requirement was mailed requiring that the examination be restricted to one of the following inventions:

- I. Claims 1 - 21 and 48 – 63, drawn to a method for determining the presence of bacteria in water;
- II. Claims 22 – 46 and 64 – 90, drawn to an apparatus, a system, a buoy, and a hand-held device;
- III. Claims 47 and 91 – 92, drawn to a method of developing an apparatus for determining the presence of bacteria.

On June 16, 2006, Applicant responded to the Restriction Requirement electing that examination be conducted on claims 1 – 21 and 48 – 63, without traverse.

On July 12, 2006, a Notice of Non-Compliant Amendment was mailed indicating that claims 20 – 92 were cancelled in a previous amendment and further indicating that as a result, our response filed on June 16, 2006 was non-compliant.

Applicant is filing this amendment to correct the record and in response to the office action of July 12, 2006.

Applicant is authorizing the Commissioner for Patents to charge the deposit account for extension of time fees in this matter; however, Applicant feels that no extensions of time fees should be charged to Applicant since the office actions received from the U.S. Patent and Trademark Office also contained errors in the citation of claims and Applicant responded to each office action in a timely manner and as requested by each office action. Therefore, Applicant hereby requests that no extensions of time be charged to Applicant in this matter through today's date.

Applicant respectfully requests that the Examiner enter the following Amendment and consider the following Remarks. Applicant respectfully requests that the Examiner reconsider and again examine the present application and claims in light thereof.

Amendments to the Specification begin on page 4 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 5 of this paper.

Amendments to the Drawings begin on page 28 of this paper.

Remarks/Arguments begin on page 29 of this paper.